

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Metcalf
29792

FILE: B-215586

DATE: November 14, 1984

MATTER OF: Philip Rabin

DIGEST:

An employee stationed at Fort George G. Meade, Maryland, returning from a temporary duty assignment obtained a meal and rented a motel room near his residence when a snowstorm and icy roads prevented him from continuing to his home. The claim for reimbursement must be denied since an employee may not receive per diem or subsistence in the area of his place of abode or his official duty station, regardless of unusual circumstances.

An employee claims expenses incurred for dinner and lodging at a location near his residence when a snowstorm interrupted his travel to his home following a temporary duty assignment.^{1/} The employee may not be reimbursed for the meal or lodgings because he was in the city of his residence when these expenses were incurred.

Mr. Philip Rabin, an employee of the Department of Defense employed at Fort George G. Meade, Maryland, was assigned to temporary duty in Camden, New Jersey. He returned by train to Baltimore, Maryland, at approximately 6:40 p.m. on March 8, 1984, and proceeded by automobile toward his home in a snowstorm. Finding the main road very difficult to travel due to the intensity of the storm and secondary roads covered by snow and ice, he determined that it would be impossible to continue to his home. At 7:30 p.m. he stopped at a motel, ordered dinner and registered. After learning at 11 p.m. that roads were passable, he checked out of the motel and proceeded to his home.

Mr. Rabin filed a claim in the amount of \$7.50 for the dinner meal and for \$86.58 for lodging expense which claim was denied on grounds that the meal was consumed by him near his residence at or near his official duty station and that he did not spend the night in the motel. Mr. Rabin contends

^{1/} Mr. Kenneth F. Chute, Finance and Accounting Officer, National Security Agency, Fort George G. Meade, Maryland, submitted this request for a decision.

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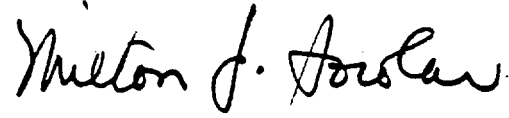
that his actions were justified and that he had made a good faith effort to reach his home before making the expenditures.

Per diem instead of subsistence may not be allowed an employee either at his permanent duty station or place of abode from which he commutes daily to the official station. Federal Travel Regulations, para. 1-7.6a (Supp. 1, September 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1983). Reimbursement of actual and necessary subsistence expenses follow the same rules as entitlement to per diem. FTR, para. 1-8.1.

We have consistently held that absent statutory authority, an employee may not be paid per diem or actual subsistence at his headquarters or at his place of abode from which he commutes daily to his official duty station, despite unusual working conditions which may be involved. 42 Comp. Gen. 149 (1962). Thomas R. Smith, B-186090, November 8, 1976; Department of Commerce, B-188985, August 23, 1977; and Joslin McIntosh, B-200779, August 12, 1981.

In the present case, Mr. Rabin made the expenditures in Baltimore, Maryland, where he resides and where the terminal servicing Fort Meade is located. We have previously denied payment to an employee who rented a hotel room at the official duty station due to blizzard conditions which prevented him from going home and payment to an employee for a hotel room at the official duty station where travel was limited by heavy snow and icy roads. Department of Commerce, B-188985, supra; Joslin McIntosh, B-200779, supra.

Accordingly, Mr Rabin may not be reimbursed for the cost of his dinner meal and lodging.

for 
Comptroller General
of the United States